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16344

Practitioner's Docket No. MBIO99-054CP1M

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Susan J. Kirst and Douglas A. Holtzman  
Application No.: 09/596,194 Group No.: 1634  
Filed: June 16, 2000 Examiner: Janell E. Taylor  
For: NOVEL GENES ENCODING PROTEINS HAVING DIAGNOSTIC,  
PREVENTIVE, THERAPEUTIC, AND OTHER USES

**Commissioner for Patents**  
**Washington, D.C. 20231**

## AMENDMENT TRANSMITTAL

1. Transmitted herewith for this application is/are:

- a. This Amendment Transmittal which includes a request for extension of time (2 pages-in duplicate);
- b. Amendment and Request for Reconsideration (10 pages);
- c. Clean Copy of Claims, as New in Response to the Office Action dated October 28, 2002 (6 pages);
- d. Table of New Claims and Corresponding Old Claim Numbers in Response to the Office Action dated October 28, 2002 (1 page); and
- e. Return Postcard.

## STATUS

2. Applicant is other than a small entity.

04/10/2003 MBIZINES 00000064 501668 09596194

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## CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.  
**37 C.F.R. SECTION 1.8(a)**

**37 C.F.R. SECTION 1.10\***

with sufficient postage as first class mail.  as "Express Mail Post Office to Address" Mailing Label No.

## TRANSMISSION

transmitted by facsimile to the Patent and Trademark Office.

Signature

Paul J. Paglierani  
(type or print name of person certifying)

Date: March 28, 2003

**\*WARNING:** Each paper or fee filed by "Express Mail" **must** have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.



PRACTITIONER'S DOCKET NO. MBIO99-054CP1M

### PETITION FOR EXTENSION OF TIME

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(3)) for a two month extension:

Fee: \$ 410.00

Extension fee due with this request \$410.00

If an additional extension of time is required, please consider this a petition therefor.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY
Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	
Total <b>29</b>	Minus 45	= 0	\$18.00 = \$0.00
Indep. 5	Minus 5	= 0	\$84.00 = \$0.00
First Presentation of Multiple Dependent Claims	0	\$280.00	= \$0.00
		Total Addit. Fee	\$0.00
		Total additional fee for claims required	\$0.00

### FEE PAYMENT

5. Charge Account No. 501668 the sum of \$410.00 (which includes the \$410.00 extension fee and the \$0.00 additional fee for claims). A duplicate of this transmittal is attached.

### FEE DEFICIENCY

6. If any additional extension and/or fee is required, charge Account No. 501668.  
If any additional fee for claims is required, charge Account No. 501668.

March 28, 2003

MILLENNIUM PHARMACEUTICALS, INC.

By

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Patent Application of : Group Art Unit 1634  
Susan J. Kirst, et al. :  
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Appln. No.: 09/596,194 : Examiner: Janell Taylor Cleveland  
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:  
Filed: June 16, 2000 : Confirmation No.: 2288  
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:  
For: NOVEL GENES ENCODING PROTEINS : Attorney Docket  
HAVING DIAGNOSTIC, PREVENTIVE : No. MBIO99-054CP1M  
THERAPEUTIC, AND OTHER USES :  
:

**AMENDMENT**  
**AND**  
**REQUEST FOR RECONSIDERATION**

This paper is filed in response to the Office Action dated October 28, 2002 (Paper No. 18). This Amendment is timely filed, and Applicants are filing herewith a petition and fee for two months' extension (until March 28, 2003).

Please amend the application as follows:

**In the Claims:**

Please cancel all claims without prejudice and add new claims 60-88 as follows:

60. (New) An isolated nucleic acid molecule selected from the group consisting of:

a) a nucleic acid molecule comprising the nucleotide sequence of SEQ ID NO: 59, SEQ ID NO: 60, or the nucleotide sequence of the cDNA clone deposited with ATCC® as Accession number PTA-151, or the full complement of any of these nucleic acid molecules; and

b) a nucleic acid molecule which encodes a polypeptide comprising the amino acid